REMARKS

Claims 1-14, 16, and 18-21 were presented for examination and were pending in this application. In an Office action dated September 3, 2008, claims 1-14, 16, and 18-21 were rejected. Applicants have amended claims 1 and 20 and now respectfully request consideration of the application in view of the above amendment and following remarks.

Claim Rejections - 35 USC § 103

In the 8th paragraph of the Office Action, Examiner rejects claims 1, 3-10, 12-14, 16 and 18-21 under 35 USC § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,912,707 to Fontes, Jr. ("Fontes"), in view of U.S. Patent No. 6,226,652 to Percival et al. ("Percival"). This rejection now is respectfully overcome in view of the amended claims.

Claim 1, as amended, recites:

> A method of merging first and second text files wherein the first and second text files are modified versions of a common text file, the method comprising the steps of:
>
> producing a first set of stacked diffs between the first text file and the common text file;
>
> producing a second set of stacked diffs between the second text file and the common text file;
>
> simultaneously displaying the first and second sets of stacked diffs, wherein common lines of text included in the first and second sets of stacked diffs are aligned and **incongruous lines of text included in each of the first and second sets of stacked diffs are aligned with blank lines of the other stacked diff**;
>
> merging the first text file and the second text file to produce a merged result; and
>
> providing to a user a conflict resolution pane which accepts user-generated textual modifications to the merged result. (emphasis added)

Thus, amended claim 1 recites, *inter alia*, "simultaneously displaying the first and second sets of stacked diffs, wherein common lines of text included in the first and second sets of stacked diffs are aligned and incongruous lines of text included in each of the first and second sets of stacked diffs are aligned with blank lines of the other stacked diff." Support for the amended claim language is found throughout the originally filed specification, for example, ¶¶ [0037]-[0038] and Figures 2, 6, and 8. For example, Figure 2 shows a first text file 230 and a second text file 220 which both include an entry for "line TWO," but the entries for "line TWO" are incongruous. In conjunction with Figure 2, Figure 8 provides an example implementation of the claimed invention. Figure 8 shows a first stacked diff in pane 580 corresponding to the first text file 230 and a second stacked diff in pane 585 corresponding to the second text file 230 of Figure 2. Both the first stacked diff 580 and the second stacked diff 585 include lines of text for "line TWO" because the first text file 220 and the second text file 230 include entries for "line TWO." However, the first text file 220 and the second text file include incongruous entries fro "line TWO," the entry for "line TWO" in the first stacked diff 580 is aligned with a blank line in the second stacked diff 585. Similarly, the entry for "line TWO" in the second stacked diff 585 is aligned with a blank line in the first stacked diff 580. As depicted in Figure 8, incongruous lines of text in the first stacked diff 580 are aligned with a blank line or blank lines in the second stacked diff 585 and vice versa. Hence, the first stacked diff and the second stacked diff beneficially display incongruous lines of text adjacent to blank lines to enhance a user's ability to locate and identify incongruous lines of text in different stacked diffs. Aligning incongruous lines of text with blank lines visually differentiates the incongruous lines of text from lines of text including the same values in both the first stacked diff and the second stacked diff.

Fontes fails to disclose at least the feature of displaying "incongruous lines of text included in each of the first and second sets of stacked diffs…aligned with blank lines of the other stacked diff." The Examiner references FIG. 12 of Fontes and the associated description as disclosing the display of **new** lines of a first stacked diff and a second stacked diff as aligned with blank lines of the other stacked diff. *See* Office Action dated September 3, 2008, p. 3 ("Office Action"). However, FIG. 12 merely illustrates a Window 1200 displaying layer information for a base drawing 300 in a first window 1202 and layer information for a revision 302 in a second window 1204. Specifically, Fontes states:

> If a layer is missing from either base drawing 300 or revision 302, the layer appears as a blank line in the other drawing file's window 1202 or 1204.

See Fontes, col. 7, lines 3-5. Thus, a layer appears opposite a blank line only if it is **absent** from the other drawing. Fontes does not address the display of layers that are **included** in both the base drawing 300 and the revision 302 but are **incongruous**. Absent any disclosure to the contrary, Fontes merely discloses displaying layers opposite each other in different windows 1202, 1204 if the layers are present in both drawings 300, regardless of any incongruities therein. The listing described in Fontes merely indicates the presence or absence of a layer in different versions while providing no indication of whether data included in a layer differs between versions. Hence, Fontes does not disclose or suggest the claimed feature of displaying "incongruous lines of text included in each of the first and second sets of stacked diffs…aligned with blank lines of the other stacked diff."

Percival fails to remedy the deficient disclosure of Fontes. Percival describes displaying different versions of a file, but does not disclose or suggest displaying "incongruous lines of text included in each of the first and second sets of stacked diffs…aligned with blank lines of the

other stacked diff" as claimed. Figures 3-9 illustrate the various displays disclosed by Percival. At best, Figure 6 shows a "Split View" in which two versions, a "DataBase version" and a "Local version" are shown side-by-side. *See* Percival, Figure 6 and col. 5, lines 11-13. However, lines of text included in both versions but having incongruities (e.g., lines 14 and 16-19 in Figure 6) are **not** aligned with blank lines, but are instead shown opposite each other. *See* Percival, Figure 6. The other views disclosed by Percival (Composite View, Split-Merge View, and Composite-Merge View) show the DataBase and Local versions interleaved with or above each other, possibly alongside a Merge Target, and do not depict incongruous lines of text in each version aligned with blank lines in the other version. *See* Percival, FIGS. 3-5 and 7-9, col. 3, line 63 to col. 4, line 30. Although the Merge Target can include blank lines, such blank lines merely correspond to lines that are **absent** from the Merge Target (e.g., lines 16-19 of window 704 in Figure 7), and, therefore, cannot reasonably be interpreted as incongruous lines included in the Merge Target. Moreover, only a single Merge Target is disclosed in Percival and therefore the Merge Target cannot reasonably be interpreted as one of a pair of stacked diffs, but is merely a single entity. Therefore, Percival does not disclose or suggest the claimed feature of displaying "incongruous lines of text included in each of the first and second sets of stacked diffs … aligned with blank lines of the other stacked diff."

Applicants can find no disclosure or suggestion in Fontes or Percival, alone or in combination, of displaying "incongruous lines of text included in each of the first and second sets of stacked diffs … aligned with blank lines of the other stacked diff" as claimed. Applicants respectfully submit that for at least these reasons, claim 1 is patentably distinguishable over the cited references, both alone and in combination. Therefore, Applicants respectfully request that Examiner withdraw this rejection.

As claims 3-10 and 12-14 variously depend from claim 1, all arguments advanced above are hereby incorporated so as to apply to claims 3-10 and 12-14. Therefore, Applicants respectfully submit that claims 3-10 and 12-14 are patentable over the cited references, both alone and in combination, and respectfully request withdrawal of this rejection.

Independent claim 20 has been amended to recite elements similar to claim 1, specifically:

> ….simultaneously displaying the first and second sets of stacked diffs, wherein common lines of text included in the first and second sets of stacked diffs are aligned and incongruous lines included in each of the first and second sets of stacked diffs are aligned with blank lines of the other stacked diff.

Thus, all arguments advanced above with respect to claim 1 also apply to amended claim 20. Hence, claim 20, as amended, is patentably distinguishable over the cited references, both alone and in combination. Therefore, Applicants respectfully request that Examiner withdraw this rejection.

As claims 16, 18, 19, and 21 variously depend from claim 20, all arguments advanced above with respect to claim 20 are hereby incorporated so as to apply to claims 16, 18, 19, and 21. Therefore, Applicants respectfully submit that claims 16, 18, 19, and 21 are patentable over the cited references, both alone and in combination, and respectfully request withdrawal of this rejection.

In the 12th paragraph of the Office Action, Examiner rejects claim 2 under 35 USC § 103(a) as allegedly being unpatentable over Fontes in view of Percival in further view of U.S. Patent 6,275,223 B1 to Hughes ("Hughes"). This rejection now is overcome in view of the amended claims.

As claim 2 depends from claim 1, all arguments advanced above with respect to claim 1 are hereby incorporated so as to apply to claim 2. Hughes fails to remedy deficient disclosure of Fontes and Percival. Rather, Hughes is cited merely to show two files being scrolled together. Hughes describes showing two versions of source code in a side by side manner (FIG. 15 col. 12, lines 23-31), but does not disclose or suggest "simultaneously displaying the first and second sets of stacked diffs, wherein common lines of text included in the first and second sets of stacked diffs are aligned and incongruous lines included in each of the first and second sets of stacked diffs are aligned with blank lines of the other stacked diff," as claimed.

Accordingly, for at least the reasons set forth above, claim 2 is patentably distinct from the cited references, both alone and in combination. Thus, Applicants respectfully request withdrawal of this rejection.

In the 13th paragraph of the Office Action, Examiner rejects claim 11 under 35 USC § 103(a) as allegedly being unpatentable over Fontes in view of Percival in further view of U.S. Patent 6,407,753 B1 to Budinsky et al. ("Budinsky"). This rejection now is overcome in view of the amended claims.

As claim 11 depends from claim 1, all arguments advanced above with respect to claim 1 are hereby incorporated so as to apply to claim 11. Budinsky fails to remedy deficient disclosure of Fontes and Percival. Rather, Budinsky is cited merely to show undoing selection and copying steps. Budinsky describes a system in which entities are merged according to user-defined rules, but does not disclose or suggest "simultaneously displaying the first and second sets of stacked diffs, wherein common lines of text included in the first and second sets of stacked diffs are aligned and incongruous lines included in each of the first and second sets of stacked diffs are aligned with blank lines of the other stacked diff," as claimed

Accordingly, for at least the reasons set forth above, claim 11 is patentably distinct from the cited references, both alone and in combination. Thus, Applicants respectfully request withdrawal of this rejection.

CONCLUSION

Applicants respectfully submit that claims 1-14, 16 and 18-21, as presented herein, are patentably distinguishable over the cited references (including references cited, but not applied). Therefore, Applicants request reconsideration and allowance of them.

In addition, Applicants respectfully invite Examiner to contact Applicants' representative at the number provided below if Examiner believes it will help expedite furtherance of this application.

Respectfully submitted,
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